

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JAREL HERNANDEZ,

Defendant.

17-CR-204-3 (JMF)

MEMORANDUM OPINION
AND ORDER

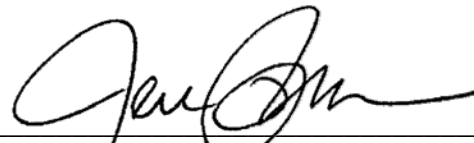
JESSE M. FURMAN, United States District Judge:

This case has been reassigned to the undersigned in light of the death of the Honorable Deborah A. Batts, to whom it was previously assigned. Defendant Jarel Hernandez, proceeding without counsel, has filed a document titled “MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE,” which the Court will treat as a motion for early termination of supervised release. Under 18 U.S.C. § 3583(e)(1), a district court may “terminate a term of supervised release . . . at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” A court may do so, however, only “after considering a subset of the factors listed in 18 U.S.C. § 3553(a) which are to be considered when imposing a sentence in the first instance.” *United States v. Stein*, No. 09-CR-377 (RPK), 2020 WL 4059472, at *1 (E.D.N.Y. July 19, 2020). Here, Defendant’s memorandum addresses whether the Court has authority to order early termination of supervised release where there was a mandatory minimum term of supervised release. But it does not address whether, and thus provides no basis to conclude that, “such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). Accordingly, the motion is DENIED.

The Clerk of Court is directed to mail a copy of this Memorandum Opinion and Order to Defendant at 78-32 69th Avenue, Middle Village, New York 11379.

SO ORDERED.

Dated: November 30, 2020
New York, New York



JESSE M. FURMAN
United States District Judge